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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,790	11/22/2000	Charles R. Simmers	113622-150366	3981

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EXAMINER

LEWIS, DAVID LEE

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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09/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/721,790

Applicant(s)

SIMMERS, CHARLES R.

Examiner

David L. Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 18-32 is/are allowed.
- 6) ☐ Claim(s) 7-18 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1. Claims 7-18 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Tyneski et al. et al. (5881299).**

As in claim 7, Tyneski et al. et al. teaches of an information device having a single display panel logically split into a first and second sub-panel, figure 1 item 100,

said device comprising: a top shell including a top inner shell and a top outer shell, said top outer shell on the opposing side of said top inner shell, said top inner shell containing said display panel, figure 1 items 102;

a joint coupled to said top shell for folding said device, figure 1 item 106;

and a bottom shell coupled to said top shell through said joint, said bottom shell including a bottom inner shell and a bottom outer shell, said bottom outer shell on the opposing side of said bottom inner shell, said bottom shell having an open area, **figure 2 item 208,**

wherein said open area leaves visible said first sub-panel and hides said second sub-panel when said device is closed about said joint, wherein when said device is closed, a first power signal is disabled to power down said second subpanel and a second power signal is enabled to power said first sub-panel, said information device functioning as one of a cellular communications device and a personal digital assistant, said second sub-panel displaying information relevant to said personal digital assistant function, and said first subpanel displaying information relevant to said cellular communications function, **figure 1 and 2, column 2 lines 1-27.**

As in claims 8, Tyneski et al. teaches wherein when said device is open, said first signal is enabled to power said second sub-panel and said second power signal is enabled to power said first sub-panel, **column 1 lines 64-67, column 2 lines 1-27.**

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As in claim 9, Tyneski et al. teaches wherein said information device is capable of performing a certain function when closed about said joint, said function monitored through said open area, **column 1 lines 64-67, column 2 lines 1-27**

As in claim 10, Tyneski et al. teaches of an information device having two separate display panels, each display panel on separate physical planes, **figure 1 item 100**,

said device comprising: a top shell including a top inner shell and a top outer shell, said top outer shell on the opposing side of said top inner shell, said top inner shell containing both said display panels, **figure 1 item 102**;

a joint coupled to said top shell for folding said device, **figure 1 item 106**

and a bottom shell coupled to said top shell through said joint including a bottom inner shell and a bottom outer shell, said bottom outer shell on the opposing side of said bottom inner shell, said bottom shell having an open area, wherein said open area leaves visible said first display panel and hides said second display panel when said device is closed about said joint, **figure 2 item 208**,

wherein when said device is closed, a first power signal is disabled to power down said second display panel and a second power signal is enabled to power

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said first display panel, said information device functioning as one of a cellular communications device and a personal digital assistant, said second display panel displaying information relevant to said personal digital assistant function, and said first display panel displaying information relevant to said cellular communications function, **column 1 lines 64-67, column 2 lines 1-27,**

As in claim 11, Tyneski et al. teaches of wherein when said device is open, said first power signal is enabled to power said second display panel and said second power signal is enabled to power said first display panel, **column 1 lines 64-67, column 2 lines 1-27.**

As in claim 12, Tyneski et al. teaches of an apparatus comprising: a wireless communication module, **figure 1 item 100, column 2 lines 1-7, said phone function;**

a computing module, **column 2 lines 1-7, said organizer function;**

a display, wherein the display is adapted to display information related to the wireless communication module and the computing module, **column 2 lines 1-15;**

and a display controller adapted to disable a first portion of the display and enable a second portion of the display, **column 2 lines 1-7**, where the first portion is related to the organizer and the second portion is related to the phone portion.

Further as in claim 13, Tyneski teaches wherein the first portion of the display is adapted to display information related to the wireless communication module, figure 2 item 202, wherein said organizer information includes information such as phone lists associated with the communication module or phone portion of the device.

As in claim 14, Tyneski teaches wherein the second portion of the display is adapted to display information related to the computing module, **column 2 lines 1-27**. wherein the computing module includes organizer information.

As in claim 15, Tyneski teaches wherein the first portion is adapted to display information related only to the wireless communication module, figure 1, column 2 lines 1-7

As in claim 16, Tyneski teaches wherein the computing module is adapted to operate as a personal digital assistant, figure 2 item 202, column 2 lines 1-27.

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As in claim 17, Tyneski teaches further comprising at least two segment drivers coupled to the display and the controller, **column 1 lines 64-67, column 2 lines 1-27**, wherein said segment drivers are inherent features of said two part display panel.

As in claim 18, Tyneski teaches wherein the display controller is adapted to disable the first portion of the display while the second portion of the display is enabled, column 2 lines 1-27.

As in claim 33, Tyneski teaches wherein said first and second portions of the display comprise an identical vertical resolution, **column 1 lines 64-67, column 2 lines 1-27, figure 2 item 202**, wherein said feature is inherent to a single display having a first and second portions wherein an embodiment comprises a full display mode using the combination of displays as an organizer.

Allowable Subject Matter

2. Claims 1-6 and 19-32 are allowable over the prior art of record. The claims are drawn to subject matter not taught by Tyneski et al. (5584054).

Response to Arguments

3. Applicant's arguments filed 5/9/2007 have been fully considered and are persuasive. The rejection based on Nomura et al. has been removed because of the declaration of inventor pursuant to 37 CFR section 1.131. The subject invention was conceived on January 2, 1996 according to the Applicants affidavit. Claims 1-6 and 19-32 are allowable over the prior art of record. The claims are drawn to subject matter not taught by Tyneski et al. (5584054). The Applicant has adequately responded to the remarks in the Office Action (2/23/2007) section addressed to reissue Applications.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **David L. Lewis** whose telephone number is **(571) 272-7673**. The examiner can normally be reached on MTWTHF from 8 to 5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached on **(571) 272-7681**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571)-273-8300.
6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: David L. Lewis

September 17, 2007



BIPIN SHALWALA
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